



Health & Families Council

**Tuesday, April 18, 2006
10:15 AM – 12:15 PM
Reed Hall**

Action Packet

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 391 CS

Meeting Date: 4/18/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 10:15 A.M.

Subject: Cancer drug donation

Council/Committee Action:

- ☐ Favorable
☐ Favorable w/ _____ amendments
☒ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS	1							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
9	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L
State Employee: SE
General Public: G
Requested to Speak: R

Proponent: P
Opponent: O
Information only: I

Amendment to HB 371 CS by Rep. Harrell

The Federal Deficit Reduction Act requires that unused drugs paid for by Medicaid on behalf of recipients in long term care facilities be returned to stock and credited to Medicaid and therefore not eligible for donation under the Cancer Drug Donation program.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 371 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Harrell offered the following:

4 **Amendment**

5 Remove line(s) 95-102 and insert:

6 (4) Any donor may donate cancer drugs or supplies to a
7 participant facility that elects to participate in the program
8 and meets criteria established by the department for such
9 participation. Cancer drugs or supplies may not be donated to a
10 specific cancer patient, and donated drugs or supplies may not
11 be resold by the program. Cancer drugs billed to and paid for
12 by Medicaid in long term care facilities that are eligible for
13 return to stock must be credited to Medicaid and are not
14 eligible for donation under the program. A participant facility
15 may provide dispensing and consulting services to individuals
16 who are not patients of the hospital.

04/17/2006 3:06 p.m.

Page 1 of 1

h0371-HFC-0601cr

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 377 CS

Meeting Date: 4/18/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 10:15 A.M.

Subject: continuing care provider
minimum financial resource
requirements

Council/Committee Action:

- ☒ Favorable
☐ Favorable w/ _____ amendments
☐ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
9	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L Proponent: P
State Employee: SE Opponent: O
General Public: G Information only: I
Requested to Speak: R

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council
Meeting Date: 4/18/06
Place: Reed Hall
Time: 10:15 A.m.

Bill Number: HB 501CS
Date Received: _____
Date Reported: _____
Subject: assisted care committee

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	1		2		3			
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>		Galvano	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>		Garcia	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>		H Gibson	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
9	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Amendments to HB 501 CS by Rep. Clarke

Amendments #1, #2, and #3 to HB 501 CS permit licensed physician assistants to provide certain medical examinations to residents of assisted living facilities.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 501 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Clarke offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 2490 and insert:

6 (2) A physician, licensed physician assistant, or nurse
7 practitioner who is employed by

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. **HB 501 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Clarke offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 2506 and insert:
6 a licensed physician, a licensed physician assistant, or a
7 licensed nurse practitioner within 60

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. HB 501 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Clarke offered the following:

Amendment (with directory and title amendments)

5 Remove line(s) 2585-2599 and insert:

7 (9) If, at any time after admission to a facility, a
8 resident appears to need care beyond that which the facility is
9 licensed to provide, the agency shall require the resident to be
10 physically examined by a licensed physician, physician
11 assistant, or licensed nurse practitioner. This examination
12 shall, to the extent possible, be performed by the resident's
13 preferred physician or nurse practitioner and shall be paid for
14 by the resident with personal funds, except as provided in s.
15 429.18(1)(b) ~~s. 400.418(1)(b)~~. Following this examination, the
16 examining physician, physician assistant, or licensed nurse
17 practitioner shall complete and sign a medical form provided by
18 the agency. The completed medical form shall be submitted to
19 the agency within 30 days after the date the facility owner or
20 administrator is notified by the agency that the physical
21 examination is required. After consultation with the physician,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

physician assistant, or licensed nurse practitioner who
performed the

===== T I T L E A M E N D M E N T =====

Remove line(s) 33-34 and insert:

changes made by the act; providing that physician assistants are
subject to certain requirements in the same manner as
physicians; requesting the Division of

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 1419 CS

Meeting Date: 4/18/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 10:15 A.M.

Subject: hospice

Council/Committee Action:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
9	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 1449 CS

Meeting Date: 4/18/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 10:15 A.M.

Subject: Brain tumor research

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<u> </u>	<u> </u>	Bean								
<u> </u>	<u> </u>	Brandenburg								
<u>✓</u>	<u> </u>	Galvano								
<u> </u>	<u> </u>	Garcia								
<u>✓</u>	<u> </u>	H Gibson								
<u>✓</u>	<u> </u>	Harrell								
<u>✓</u>	<u> </u>	Homan								
<u> </u>	<u> </u>	Robaina								
<u>✓</u>	<u> </u>	Sobel								
<u>✓</u>	<u> </u>	Vana								
<u>✓</u>	<u> </u>	Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
<u>7</u>	<u>0</u>									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Amendment to HB 1449 CS by Rep. Gannon

Removes redundant language which is already referenced in paragraph (e) and redesignates subsequent paragraphs.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **1449**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Gannon offered the following:
3

4 **Amendment**

5 Remove line(s) 94-96
6 (redesignate subsequent paragraphs)

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: **Health & Families Council**
Meeting Date: 4/18/06
Place: Reed Hall
Time: 10:15 A.M.

Bill Number: HB 1503 CS
Date Received: _____
Date Reported: _____
Subject: person with disabilities

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	1		2		3		4	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bean								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brandenburg								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Galvano								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Garcia								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	H Gibson								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Harrell								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Homan								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Robaina								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sobel								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vana								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Amendment to HB 1503 CS by Rep. Llorente

Amendment #1 to HB 1503 CS proposes an unnumbered statute section relating to accessible electronic and information technology for use by individuals with disabilities, and specifically:

- supplies a legislative finding citing the importance of ensuring that individuals with disabilities have access to electronic and information technology maintained by the state;
- provides that state employees with disabilities shall have access to, and use of, information and data that is comparable to the access and use of information and data provided to state employees who are not disabled;
- provides that members of the public who are individuals with disabilities and are seeking information or services from a state agency shall have access to, and use of, information and data that is comparable to the access and use of information and data provided to members of the public who are not disabled;
- requires state agencies procuring electronic and information technology resources after July 1, 2006 to procure products that comply with certain accessibility standards adopted by the Department of Management Services (DMS), in partnership with the Florida Alliance for Assistive Services and Technology;
- requires state agencies procuring electronic and information technology to include language in its solicitations and contracts requiring vendors to provide products that comply with these accessibility standards; and
- requires DMS, in partnership with the Florida Alliance for Assistive Services and Technology, to adopt rules addressing certain accessibility standards, review procedures, training and technical assistance, and complaint procedures.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1503

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION 1 (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Health & Families Council
Representative(s) Llorente offered the following:

Amendment (with title amendment)

Between line(s) 4351 and 4352, insert:

Section 73. Accessible electronic and information
technology.--

(1) The Legislature recognizes the importance of ensuring
that persons with disabilities have access to electronic and
information technology maintained by the state.

(2) State employees with disabilities shall have access to
and use of information and data that is comparable to the access
to and use of information and data provided to state employees
who are not individuals with disabilities, unless an undue
burden would be imposed on the agency.

(3) Individuals with disabilities who are members of the
public seeking information or services from a state agency as
identified and covered by this section shall have access to and
use of information and data that is comparable to the access to
and use of information and data provided to members of the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

21 public who are not individuals with disabilities unless an undue
22 burden would be imposed on the state entity.

23 (4) When procuring electronic and information technology
24 resources after July 1, 2006, a state agency as defined in s.
25 216.011(1)(qq), Florida Statutes, shall procure those products
26 that comply with the accessibility standards provided in this
27 section when such products are available in the commercial
28 marketplace or are developed in response to a competitive
29 solicitation. If products are commercially available that meet
30 some but not all of the accessibility standards, the state
31 agency may procure the product that best meets such
32 accessibility standards.

33 (5) A state agency procuring electronic and information
34 technology shall include language in its solicitations and
35 contracts requiring vendors to provide such products as
36 electronic and information technology resources that comply with
37 the accessibility standards provided in this section.

38 (6) When compliance with the provisions of this section
39 imposes an undue burden, a state agency shall comply with all
40 applicable state and federal civil rights statutes, including,
41 but not limited to, the Americans with Disabilities Act and s.
42 504 of the Rehabilitation Act of 1973, as amended, and provide
43 individuals with disabilities with the information and data
44 involved by an alternative method of access that allows the
45 individual to use the information and data.

46 (7) This section does not require the installation of
47 specific accessibility-related software or the attachment of an
48 assistive technology device at the workstation of a state
49 employee who is not an individual with a disability.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

50 (8) This section does not require a state agency providing
51 access to information or data to the public through electronic
52 and information technology to make products owned by the agency
53 available for access and use by individuals with disabilities at
54 a location other than where the electronic and information
55 technology is provided to the public or to purchase products for
56 access and use by individuals with disabilities at a location
57 other than where the electronic and information technology is
58 provided to the public.

59 (9) The Department of Management Services, in partnership
60 with the Florida Alliance for Assistive Services and Technology,
61 shall adopt rules pursuant to ss. 120.536(1) and 120.54, Florida
62 Statutes, that address the following provisions:

63 (a) Development of accessibility standards to be used by
64 each state agency in the procurement of electronic and
65 information technology and in the development and implementation
66 of custom-designed information technology systems, web sites,
67 and other emerging information technology systems.

68 (b) Establishment and implementation of a review procedure
69 to be used to evaluate the accessibility of custom-designed
70 information technology systems proposed by a state agency prior
71 to expenditure of state funds.

72 (c) Development of a procedure for reviewing and
73 evaluating the accessibility of electronic and information
74 technology commonly purchased by state agencies and for
75 providing accessibility reports on these products to those
76 responsible for purchasing decisions.

77 (d) Development and delivery of training and technical
78 assistance for state agencies to ensure procurement of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

electronic and information technology that meets adopted
accessibility standards.

(e) Involvement of individuals with disabilities in
accessibility reviews of electronic and information technology
and in the delivery of training and technical assistance.

(f) Establishment of complaint procedures to be used by an
individual with a disability who alleges that a state agency has
failed to comply with the provisions of this section.

===== T I T L E A M E N D M E N T =====

Remove line(s) 225 and insert:

Trust Fund; providing for access to and use of electronic and
information technology by state employees and members of the
public with disabilities; requiring state agencies to procure
certain technology resources and to make such resources
available to certain individuals; providing exceptions from
compliance requirements; requiring the Department of Management
Service to adopt rules; providing an effective date.

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Amendment to HB 1503 CS by Rep. Sobel

Amendment #2 to HB 1503 CS restores s. 39.407(5), F.S., to current law.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 1503 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	<u>/</u> (Y/N)
OTHER	___

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Sobel offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 455 - 472

6
7 ===== T I T L E A M E N D M E N T =====

8 Remove line(s) 23 - 26 and insert:

9
10 neglect for specified purposes; amending s. 287.155, F.S.;
11 authorizing the
12

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Amendment to HB 1503 CS by Rep. Galvano

Amendment #3 conforms certain language relating to medicinal restraints to language in HB 7199 CS, relating to forensic treatment and training.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. **HB 1503 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Galvano offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 3105 and insert:

6
7 of movement and not part of the standard treatment regimen of an
8 individual with a diagnosed mental illness who is a client of
9 the department. Physically holding a person during a procedure
10 to

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HB 1503 CS, an act relating to persons with disabilities
Discussion of Amendment #4

Amendment #4 reflects an agreement among stakeholders regarding amendment of s. 39.407(5), F.S.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. 1503 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Health & Families Council
Representative(s) Galvano offered the following:

Amendment

Remove line(s) 455 - 472 and insert:

Section 4. Subsection (5) of section 39.407, Florida
Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination
and treatment of child; physical or mental examination of parent
or person requesting custody of child.--

(5) A judge may order a child in an out-of-home placement
to be treated by a licensed health care professional based on
evidence that the child should receive treatment. The judge may
also order such child to receive mental health or developmental
disabilities services from a psychiatrist, psychologist, or
other appropriate service provider. Except as provided in
subsection (6), if it is necessary to place the child in a
residential facility for such services, the procedures and
criteria established in s. 394.467 ~~or chapter 393~~ shall be used,
~~whichever is applicable~~. A child may be provided ~~developmental~~
~~disabilities or~~ mental health services in emergency situations,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

pursuant to the procedures and criteria contained in s.
394.463(1) ~~or chapter 393, whichever is applicable.~~ Nothing in
this section confers jurisdiction to the court with regard to
determining eligibility or ordering services under Chapter 393.

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: **Health & Families**
Council
 Meeting Date: 4/18/06
 Place: Reed Hall
 Time: 10:15 A.M.

Bill Number: HB 7053
 Date Received: _____
 Date Reported: _____
 Subject: raising home care
information

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Galvano	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Garcia	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		H Gibson	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Harrell	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Homan	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Robaina	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Sobel	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Vana	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Benson, Chair	<input checked="" type="checkbox"/>							
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
11	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Amendment to HB 7053 by Elder & Long-Term Care Committee

Amendment #1 to HB 7053 requires the Nursing Home Guide published by the Agency for Health Care Administration to prominently display information relating to alternatives to nursing home care.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 7053**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health and Families Council
2 Representative(s) Gibson offered the following:

4 **Amendment**

5 Remove line(s) 34 and insert:

6 home facilities. The Nursing Home Guide shall prominently
7 display information about available alternatives to nursing
8 homes and how to obtain additional information regarding these
9 alternatives.

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council
Meeting Date: 4/18/06
Place: Reed Hall
Time: 10:15 A.m

Bill Number: HB 7065 CS
Date Received: _____
Date Reported: _____
Subject: clandestine laboratory
contamination

Council/Committee Action:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
11	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 7073

Meeting Date: 4/18/06

Date Received:

Place: Reed Hall

Date Reported:

Time: 10:15 A.M.

Subject: health care information

Council/Committee Action:

- ☐ Favorable
☐ Favorable w/ _____ amendments
☒ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS	1		2					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bean	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brandenburg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Galvano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	H Gibson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Harrell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Homan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Robaina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sobel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Benson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
11	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L Proponent: P
State Employee: SE Opponent: O
General Public: G Information only: I
Requested to Speak: R

Amendments to HB 7073 by Rep. Garcia

Amendment #1

The amendment clarifies that “patient-safety indicators” and “inpatient quality indicators” will be defined by:

- The Center for Medicare and Medicaid Studies;
- National Quality Forum;
- The Joint Commission on Accreditation of Healthcare Organizations;
- The Agency for Healthcare Research and Quality;
- The Centers for Disease Control and Prevention; or
- A similar national entity that establishes standards to measure the performance of health care providers, or by other states.

Amendment #2

The amendment provides that pharmacies will not interfere with insurers and health maintenance organizations’ (HMOs) ability to communicate prescription drug prices to members.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 7073**

COUNCIL/COMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> ✓ </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Garcia offered the following:

4 **Amendment (with directory and title amendments)**

5 Remove line(s) 165-169 and insert:

7 1. Make available patient-safety indicators, inpatient
8 quality indicators, performance outcome and patient charge data
9 collected from health care facilities pursuant to s.
10 408.061(1)(a) and (2). "Patient-safety indicators" and
11 "inpatient quality indicators" shall be defined by the Centers
12 for Medicare and Medicaid Studies, National Quality Forum, the
13 Joint Commission on Accreditation of Healthcare Organizations,
14 the Agency for Healthcare Research and Quality, the Centers for
15 Disease Control and Prevention, or a similar national entity
16 that establishes standards to measure the performance of health
17 care providers, or by other states. The agency

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. **HB 7073**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Garcia offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 739-747 and insert:

6
7 Section 14. Section 465.0244, Florida Statutes, is amended
8 to read:

9 465.0244 Information disclosure.--

10
11 (1) Every pharmacy shall make available on its Internet
12 website a link to the performance outcome and financial data
13 that is published by the Agency for Health Care Administration
14 pursuant to s. 408.05(3) ~~(k)~~ and shall place in the area where
15 customers receive filled prescriptions notice that such
16 information is available electronically and the address of its
17 Internet website.

18 (2) No pharmacy shall enter into a contract with an
19 insurer or health maintenance organization that in any way
20 prohibits, restricts or discourages the insurer or health
21 maintenance organization from communicating to enrollees or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

providers any information on the prices of medications charged
by the pharmacy.

===== T I T L E A M E N D M E N T =====

Remove line(s) 29-30 and insert:

made by the act; amending ss. 381.026, 395.301, 627.6499, and
641.54, F.S.; conforming a cross-reference; amending s.
465.0244, F.S.; conforming a cross-reference; provides
communication criteria for insurers and health maintenance
organizations;

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: **Health & Families Council**

Bill Number: HB 7083

Meeting Date: 4/18/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 10:15 A.M.

Subject: Program of DCF

Council/Committee Action:

- | | |
|---|--|
| <input type="checkbox"/> Favorable
<input checked="" type="checkbox"/> Favorable w/ _____ amendments
<input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute
<input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Retained for Reconsideration
<input type="checkbox"/> Reconsidered
<input type="checkbox"/> Temporarily Postponed
<input type="checkbox"/> Unfavorable |
|---|--|

Final Vote On Bill		MEMBERS	<i>Strike all amendment</i>							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bean	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brandenburg	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Galvano	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	H Gibson	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Harrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Homan	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Robaina	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sobel	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vana	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Benson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
11	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L State Employee: SE General Public: G Requested to Speak: R	Proponent: P Opponent: O Information only: I
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Strike all Amendment to HB 7083 By Rep. Galvano

- Conforms to CS/SB 1850.
- Deletes a provision that repeals the Commission on Marriage and Family Support Initiatives on June 20, 2008; and directs the Department of Children and Family Services to advise the Legislature when the commission ceases to be essential.
- Defines Mental Health Counselor and includes Mental Health Counselor and Marriage and Family Therapist in the definition of service provider for outpatient treatment services; authorizes Mental Health counselors to determine if services recommended for an outpatient treatment plan are clinically appropriate; and requires that any evaluations performed by a Mental Health Counselor be included in any documentation provided to a treatment facility director when an individual is ordered to involuntary inpatient placement.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 7083

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Health and Families Council
Representative(s) Galvano offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (6) of section 383.0115, Florida
Statutes, is amended to read:

383.0115 The Commission on Marriage and Family Support
Initiatives.--

(6) Pursuant to the requirements in s. 20.052(2), the
department shall advise the Legislature when the commission
ceases to be essential to the furtherance of a public purpose.
~~This section is repealed on June 30, 2008, unless reviewed and~~
~~saved from repeal through reenactment by the Legislature.~~

Section 2. Paragraph (f) of subsection (1) of section
397.451, Florida Statutes, is amended, and paragraph (g) is
added to that subsection, to read:

397.451 Background checks of service provider personnel.--

(1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND
EXCEPTIONS.--

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

(f) Service provider personnel who request an exemption from disqualification must submit the request within 30 days after being notified of the a-pending disqualification. Upon notification of the disqualification, the service provider shall comply with the requirements regarding exclusion from employment under s. 435.06. The employment of service provider personnel shall not be adversely affected pending disposition of the request for an exemption. Disapproval of a request for an exemption shall result in the immediate dismissal of the service provider personnel from employment with the provider.

(g) The department may not issue a regular license to any service provider that fails to provide proof that background screening information has been submitted in accordance with chapter 435.

Section 3. Section 3 of chapter 2003-279, Laws of Florida, is repealed.

Section 4. Effective July 1, 2006, subsection (31) of section 394.455, Florida Statutes, is amended, and subsections (34) and (35) are added to that section, to read:

394.455 Definitions.--As used in this part, unless the context clearly requires otherwise, the term:

(31) "Service provider" means any public or private receiving facility, an entity under contract with the Department of Children and Family Services to provide mental health services, a clinical psychologist, a clinical social worker, a marriage and family therapist, a mental health counselor, a physician, a psychiatric nurse as defined in subsection (23), or a community mental health center or clinic as defined in this part.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

50 (34) "Marriage and family therapist" means a person
51 licensed as a marriage and family therapist under chapter 491.

52 (35) "Mental health counselor" means a person licensed as
53 a mental health counselor under chapter 491.

54 Section 5. Effective July 1, 2006, paragraph (a) of
55 subsection (2) of section 394.463, Florida Statutes, is amended
56 to read:

57 394.463 Involuntary examination.--

58 (2) INVOLUNTARY EXAMINATION.--

59 (a) An involuntary examination may be initiated by any one
60 of the following means:

61 1. A court may enter an ex parte order stating that a
62 person appears to meet the criteria for involuntary examination,
63 giving the findings on which that conclusion is based. The ex
64 parte order for involuntary examination must be based on sworn
65 testimony, written or oral. If other less restrictive means are
66 not available, such as voluntary appearance for outpatient
67 evaluation, a law enforcement officer, or other designated agent
68 of the court, shall take the person into custody and deliver him
69 or her to the nearest receiving facility for involuntary
70 examination. The order of the court shall be made a part of the
71 patient's clinical record. No fee shall be charged for the
72 filing of an order under this subsection. Any receiving facility
73 accepting the patient based on this order must send a copy of
74 the order to the Agency for Health Care Administration on the
75 next working day. The order shall be valid only until executed
76 or, if not executed, for the period specified in the order
77 itself. If no time limit is specified in the order, the order
78 shall be valid for 7 days after the date that the order was
79 signed.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. | (for drafter's use only)

80 2. A law enforcement officer shall take a person who
81 appears to meet the criteria for involuntary examination into
82 custody and deliver the person or have him or her delivered to
83 the nearest receiving facility for examination. The officer
84 shall execute a written report detailing the circumstances under
85 which the person was taken into custody, and the report shall be
86 made a part of the patient's clinical record. Any receiving
87 facility accepting the patient based on this report must send a
88 copy of the report to the Agency for Health Care Administration
89 on the next working day.

90 3. A physician, clinical psychologist, psychiatric nurse,
91 mental health counselor, marriage and family therapist, or
92 clinical social worker may execute a certificate stating that he
93 or she has examined a person within the preceding 48 hours and
94 finds that the person appears to meet the criteria for
95 involuntary examination and stating the observations upon which
96 that conclusion is based. If other less restrictive means are
97 not available, such as voluntary appearance for outpatient
98 evaluation, a law enforcement officer shall take the person
99 named in the certificate into custody and deliver him or her to
100 the nearest receiving facility for involuntary examination. The
101 law enforcement officer shall execute a written report detailing
102 the circumstances under which the person was taken into custody.
103 The report and certificate shall be made a part of the patient's
104 clinical record. Any receiving facility accepting the patient
105 based on this certificate must send a copy of the certificate to
106 the Agency for Health Care Administration on the next working
107 day.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. | (for drafter's use only)

08 Section 6. Effective July 1, 2006, paragraphs (a) and (c)
109 of subsection (2) of section 394.4655, Florida Statutes, are
110 amended to read:

111 394.4655 Involuntary outpatient placement.--

112 (2) INVOLUNTARY OUTPATIENT PLACEMENT.--

113 (a)1. A patient may be retained by a receiving facility
114 upon the recommendation of the administrator of a receiving
115 facility where the patient has been examined and after adherence
116 to the notice of hearing procedures provided in s. 394.4599. The
117 recommendation must be supported by the opinion of a
118 psychiatrist and the second opinion of a clinical psychologist
119 or another psychiatrist, both of whom have personally examined
120 the patient within the preceding 72 hours, that the criteria for
121 involuntary outpatient placement are met. However, in a county
122 having a population of fewer than 50,000, if the administrator
123 certifies that no psychiatrist or clinical psychologist is
124 available to provide the second opinion, the second opinion may
125 be provided by a licensed physician who has postgraduate
126 training and experience in diagnosis and treatment of mental and
127 nervous disorders or by a psychiatric nurse as defined in this
128 chapter. Such a recommendation must be entered on an involuntary
129 outpatient placement certificate, which certificate must
130 authorize the receiving facility to retain the patient pending
131 completion of a hearing. The certificate shall be made a part of
132 the patient's clinical record.

133 2. If the patient has been stabilized and no longer meets
134 the criteria for involuntary examination pursuant to s.
135 394.463(1), the patient must be released from the receiving
136 facility while awaiting the hearing for involuntary outpatient
137 placement. Prior to filing a petition for involuntary outpatient

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

138 treatment, the administrator of a receiving facility or a
139 designated department representative shall identify the service
140 provider that will have primary responsibility for service
141 provision under an order for involuntary outpatient placement,
142 unless the person is otherwise participating in outpatient
143 psychiatric treatment and is not in need of public financing for
144 that treatment, in which case the individual, if eligible, may
145 be ordered to involuntary treatment pursuant to the existing
146 psychiatric treatment relationship.

147 3. The service provider shall prepare a written proposed
148 treatment plan in consultation with the patient or the patient's
149 guardian advocate, if appointed, for the court's consideration
150 for inclusion in the involuntary outpatient placement order. The
151 service provider shall also provide a copy of the proposed
152 treatment plan to the patient and the administrator of the
153 receiving facility. The treatment plan must specify the nature
154 and extent of the patient's mental illness. The treatment plan
155 must address the reduction of symptoms that necessitate
156 involuntary outpatient placement and include measurable goals
157 and objectives for the services and treatment that are provided
158 to treat the person's mental illness and to assist the person in
159 living and functioning in the community or to attempt to prevent
160 a relapse or deterioration. Service providers may select and
161 provide supervision to other individuals to implement specific
162 aspects of the treatment plan. The services in the treatment
163 plan must be deemed to be clinically appropriate by a physician,
164 clinical psychologist, psychiatric nurse, mental health
165 counselor, marriage and family therapist, or clinical social
166 worker, as defined in this chapter, who consults with, or is
167 employed or contracted by, the service provider. The service

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

168 provider must certify to the court in the proposed treatment
169 plan whether sufficient services for improvement and
170 stabilization are currently available and whether the service
171 provider agrees to provide those services. If the service
172 provider certifies that the services in the proposed treatment
173 plan are not available, the petitioner may not file the
174 petition.

175 (c)1. The administrator of the treatment facility shall
176 provide a copy of the involuntary outpatient placement
177 certificate and a copy of the state mental health discharge form
178 to a department representative in the county where the patient
179 will be residing. For persons who are leaving a state mental
180 health treatment facility, the petition for involuntary
181 outpatient placement must be filed in the county where the
182 patient will be residing.

183 2. The service provider that will have primary
184 responsibility for service provision shall be identified by the
185 designated department representative prior to the order for
186 involuntary outpatient placement and must, prior to filing a
187 petition for involuntary outpatient placement, certify to the
188 court whether the services recommended in the patient's
189 discharge plan are available in the local community and whether
190 the service provider agrees to provide those services. The
191 service provider must develop with the patient, or the patient's
192 guardian advocate, if appointed, a treatment or service plan
193 that addresses the needs identified in the discharge plan. The
194 plan must be deemed to be clinically appropriate by a physician,
195 clinical psychologist, psychiatric nurse, mental health
196 counselor, marriage and family therapist, or clinical social

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

worker, as defined in this chapter, who consults with, or is employed or contracted by, the service provider.

3. If the service provider certifies that the services in the proposed treatment or service plan are not available, the petitioner may not file the petition.

Section 7. Effective July 1, 2006, paragraph (e) of subsection (6) of section 394.467, Florida Statutes, is amended to read:

394.467 Involuntary inpatient placement.--

(6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.--

(e) The administrator of the receiving facility shall provide a copy of the court order and adequate documentation of a patient's mental illness to the administrator of a treatment facility whenever a patient is ordered for involuntary inpatient placement, whether by civil or criminal court. The Such documentation shall include any advance directives made by the patient, a psychiatric evaluation of the patient, and any evaluations of the patient performed by a clinical psychologist, a marriage and family therapist, a mental health counselor, or a clinical social worker. The administrator of a treatment facility may refuse admission to any patient directed to its facilities on an involuntary basis, whether by civil or criminal court order, who is not accompanied at the same time by adequate orders and documentation.

Section 8. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. | (for drafter's use only)

A bill to be entitled

An act relating to programs of the Department of Children and Family Services; amending s. 383.0115, F.S.; deleting a provision that repeals the Commission on Marriage and Family Support Initiatives; directing the Department of Children and Family Services to advise the legislature when the commission ceases to be essential; amending s. 397.451, F.S.; requiring service provider personnel who request an exemption from disqualification to submit the request within a certain time after notification of the disqualification; requiring a service provider to comply with the provisions of s. 435.06, F.S.; deleting a provision requiring immediate dismissal of service provider personnel upon disapproval of a request for an exemption; prohibiting the department from issuing a regular license to a service provider that fails to provide proof that background screening information has been submitted; repealing s. 3, ch. 2003-279, Laws of Florida; abrogating the repeal of s. 20.19(2)(c) and (4)(b)6. and 8., F.S., relating to the appointment of certain mental health and substance abuse positions and the establishment of program offices for mental health and substance abuse; amending s. 394.455, F.S.; revising and providing definitions; amending s. 394.463, F.S.; providing that a marriage and family therapist may execute a certificate for involuntary examination; amending s. 394.4655, F.S.; providing that a marriage and family therapist or mental health counselor may deem a services treatment plan clinically appropriate for an involuntary outpatient placement; amending s. 394.467, F.S.; requiring

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. | (for drafter's use only)

257 | that documentation of any evaluation performed by a
258 | marriage and family therapist or mental health counselor
259 | be provided when a patient is ordered for involuntary
260 | inpatient placement; providing effective dates.

261 |

262 |

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Page 113

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 7123

Meeting Date: 4/18/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 10:15 A.M.

Subject: child protective services

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input checked="" type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	1		2		3		4	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>		Brandenburg	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>		Galvano	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>		Garcia	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
11	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

*Speaker Codes

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

223

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: _____

Meeting Date: _____

Date Received: _____

Place: _____

Date Reported: _____

Time: _____

Subject: _____

Council/Committee Action:

- | | |
|---|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	5		6		7		8	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
		Bean	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
		Brandenburg	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
		Galvano	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
		Garcia	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
		H Gibson	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
		Harrell								
		Homan								
		Robaina								
		Sobel								
		Vana								
		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

393

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: **Health & Families
Council**

Bill Number: _____

Meeting Date: _____

Date Received: _____

Place: _____

Date Reported: _____

Time: _____

Subject: _____

Council/Committee Action:

- | | |
|---|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	9		10					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
		Bean								
		Brandenburg								
		Galvano								
		Garcia								
		H Gibson								
		Harrell								
		Homan								
		Robaina								
		Sobel								
		Vana								
		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

AMENDMENTS TO HB 7123 by Rep. Galvano

AMENDMENT #1 – Clarifies that use of “family team conferencing” is voluntary and is not always facilitated by professional staff.

AMENDMENT #2 – Restores current definition of the term “parent.”

AMENDMENT #3 – Lists in order of preference the permanency goals for children.

AMENDMENT #4 – Specifies process for background screening related to placement of dependent children.

AMENDMENT #5 – Corrects a reference.

AMENDMENT #6 – Clarifies that placement of a dependent child in any of the statutorily defined permanency options does not terminate the parent-child relationship.

AMENDMENT #7 – Removes redundant language.

AMENDMENT #8 – Specifies that department supervision and court review shall continue when a dependent child is placed in “another planned permanent living arrangement.”

AMENDMENT #9 – Provides that the department shall file a petition to terminate parental rights if any of 3 conditions are met, specifies when the department may choose not to file or join such petition, and provides that the court may review the determination by the department not to file a petition.

AMENDMENT #10 – Adds s. 39.703 to the sections of statute being repealed.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 7123**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	<u>✓</u> (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health and Families Council
2 Representative(s) Galvano offered the following:

3
4 **Amendment**

5 Remove line(s) 372 - 375 and insert:

6 (30) "Family team conference" means a voluntary process for
7 family-focused intervention which is designed to develop a plan
8 for the care, safety, and well-being of a child and the child's
9 family.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. **HB 7123**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Health and Families Council
2 Representative(s) Galvano offered the following:

3
4 **Amendment**

5 Remove line(s) 646 - 653 and insert:
6 and a man whose consent to the adoption of the child would be
7 required under s. 63.062(1). If a child has

Amendment No. 3

COUNCIL/COMMITTEE ACTION

Council/Committee hearing bill: Health and Families Council
Representative(s) Galvano offered the following:

Remove line(s) 688 - 691 and insert:

Page 1 of 1

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

Bill No. **HB 7123**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Health and Families Council
Representative(s) Galvano offered the following:

Amendment

Remove lines 1100-1148 and insert:

Section 6. Section 39.0138, Florida Statutes, is created
to read:

39.0138 Criminal history records check; limit on placement
of a child.--

(1) The department shall conduct a criminal history
records check for any person being considered by the department
for approval for placement of a child subject to a placement
decision under this chapter. For purposes of this section,
criminal history records checks may include, but not be limited
to, submission of fingerprints to the Florida Department of Law
Enforcement for processing and forwarding to the Federal Bureau
of Investigation for state and national criminal history
information, and local criminal records checks through local law
enforcement agencies.

(2) The department shall not place any child with a person
other than a parent if the criminal history records check
reveals that such person has ever been convicted of a felony
that falls within any of the following categories:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

24 (a) Child abuse, abandonment, or neglect;
25 (b) Domestic violence;
26 (c) Child pornography or other felony in which a child was
27 a victim of the offense; or

28 (d) Homicide, sexual battery, or other felony involving
29 violence, other than felony assault or felony battery where an
30 adult was the victim of the assault or battery.

31 (3) The department shall not place any child with any
32 person other than a parent if the criminal history records check
33 reveals that such person has, within the previous 5 years, been
34 convicted of a felony that falls within any of the following
35 categories:

- 36 (a) Assault;
37 (b) Battery; or
38 (c) A drug-related offense.

39 (4) The department may place a child in a home that
40 otherwise meets placement requirements if a name check of state
41 and local criminal history records systems does not disqualify
42 the applicant and if the department submits fingerprints to the
43 Department of Law Enforcement for forwarding to the Federal
44 Bureau of Investigation and is awaiting the results of the state
45 and national criminal history records check.

46 (5) Persons with whom placement of a child is being
47 considered or approved must disclose to the department any prior
48 or pending local, state, or national criminal proceedings in
49 which they are or have been involved.

50 (6) The department may examine the results of any criminal
51 history records check of any person, including a parent, with
52 whom placement of a child is being considered under this
53 section. The complete criminal history records check must be
54 considered when determining whether placement with the person
55 will jeopardize the safety of the child being placed

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

56 (7)(a) The court may review a decision of the department
57 to grant or deny the placement of a child based upon criminal
58 history records check information. The review may be upon the
59 motion of any party, the request of any person who has been
60 denied a placement by the department, or on its own motion. The
61 court shall prepare written findings to support its decision in
62 this matter.

63 (b) A person seeking placement of a child when the
64 department has denied the placement based on results of a
65 criminal history records check has the burden of setting forth
66 sufficient evidence of rehabilitation, including, but not
67 limited to, the circumstances surrounding the incident providing
68 the basis for denying the application, the time period that has
69 elapsed since the incident, the nature of the harm caused to the
70 victim, whether the victim was a child, the history of the
71 person since the incident, whether the person complied with any
72 requirement to pay restitution, and any other evidence or
73 circumstances indicating that the person will not present a
74 danger to the child if the placement of the child is allowed.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5

Bill No. **HB 7123**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health and Families Council
2 Representative(s) Galvano offered the following:

3
4 **Amendment**

5 Remove line 1526 and insert:

6 For the purposes of this section, ~~subparagraph~~ "diligent efforts
7 to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6

Bill No. HB 7123

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	<u>✓</u> (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Council/Committee hearing bill: Health and Families Council
Representative(s) Galvano offered the following:

Amendment

Between lines 1978 and 1979, insert:

(11) Placement of a child in a permanent guardianship, with
a fit and willing relative or in another planned permanent
living arrangement does not terminate the parent-child
relationship, including, but not limited to:

(a) The right of the child to inherit from his or her
parents;

(b) The parents' right to consent to the child's adoption;
or

(c) The parents' responsibility to provide financial,
medical, and other support for the child as ordered by the
court.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7

Bill No. **HB 7123**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Health and Families Council
2 Representative(s) Galvano offered the following:

3
4 **Amendment**

5 Remove lines 2035-2046

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8

Bill No. **HB 7123**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION 1 (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health and Families Council
2 Representative(s) Galvano offered the following:
3

4 **Amendment**

5 Remove lines 2130-2166 and insert:

6 Section 22. Section 39.6241, Florida Statutes, is created
7 to read:

8 39.6241 Another planned permanent living arrangement.--

9 (1) If a court finds that reunification is not in the best
10 interest of a child, the court may approve placement of the
11 child in another planned permanent living arrangement if:

12 (a) The court finds a more permanent placement, such as
13 adoption, permanent guardianship, or placement with a fit and
14 willing relative, is not in the best interest of the child.

15 (b) The department documents reasons the placement will
16 endure and how the proposed arrangement will be more stable and
17 secure than ordinary foster care.

18 (c) The court finds that the health, safety, and well-
19 being of the child will not be jeopardized by such an
20 arrangement.

21 (d) There are compelling reasons to show that placement in
22 another planned permanent living arrangement is the most

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8

appropriate permanency goal. Compelling reasons for such placement may include, but are not limited to:

1. The case of a parent and child who have a significant bond but the parent is unable to care for the child because of an emotional or physical disability and the child's foster parents have committed to raising him or her to the age of majority and to facilitate visitation with the disabled parent;

2. The case of a child for whom an Indian tribe has identified another planned permanent living arrangement for the child; or

3. The case of a foster child who is 16 years of age or older who chooses to remain in foster care and the child's foster parents are willing to care for the child until the child reaches 18 years of age.

(2) The department and the guardian ad litem must provide the court with a recommended list and description of services needed by the child, such as independent living services and medical, dental, educational, or psychological referrals, and a recommended list and description of services needed by his or her caregiver.

(3) The department shall continue to supervise the planned permanent living arrangement until further court order. The court shall continue to review the placement at least once every 6 months.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9

Bill No. **HB 7123**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Health and Families Council
Representative(s) Galvano offered the following:

Amendment

Remove lines 2343-2416 and insert:

Section 24. Section 39.8055, Florida Statutes, is created
to read:

39.8055 Requirement to file termination of parental rights
petition; exceptions:

(1) The department shall file a petition to terminate
parental rights within 60 days of any of the following events:

(a) if, at the time of the 12-month judicial review
hearing, a child is not returned to the physical custody of the
parents;

(b) if a petition for termination of parental rights has
not otherwise been filed and the child has been in out-of-home
care under the responsibility of the state for 15 of the most
recent 22 months, calculated on a cumulative basis, but not
including any trial home visits or time during which the child
was a runaway;

(c) if the parent has been convicted of murder of the other
parent, manslaughter of the other parent, aiding or abetting or
conspiracy or solicitation to murder the other parent, or a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9

felony battery that resulted in serious bodily injury to the child or to any other child of the parent;

(d) if a court determines that reasonable efforts to reunify the child and parent are not required.

(2) Notwithstanding subsection (1), the department may choose not to file or join in a petition to terminate the parental rights of a parent if:

(a) The child is being cared for by a relative under s. 39.6231;

(b) The department has documented in the report to the court a compelling reason for determining that filing such a petition would not be in the best interests of the child. Compelling reasons for not filing or joining a petition to terminate parental rights may include, but are not limited to:

1. Adoption is not the appropriate permanency goal for the child;

2. No grounds to file a petition to terminate parental rights exist;

3. The child is an unaccompanied refugee minor as defined in 45 C.F.R. 400.111;

4. There are international legal obligations or compelling foreign-policy reasons that would preclude terminating parental rights; or

5. The department has not provided to the family, consistent with the time period in the case plan, services that the department deems necessary for the safe return of the child to the home.

(4) Upon good cause shown by any party or on its own motion, the court may review the determination by the department that compelling reasons exist for not filing a petition for termination of parental rights.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9

TITLE AMENDMENT

56
57 Remove lines 133-134 and insert:
58 after the child is placed in shelter care; creating s. 39.8055
59 F.S.; providing when the department may file a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 10

Bill No. **HB 7123**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	<u>✓</u> (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health and Families Council
2 Representative(s) Galvano offered the following:

3
4 **Amendment**

5 Remove lines 2784-2785 and insert:

6 Section 36. Sections 39.601, 39.622, 39.623, 39.624,
7 39.703, and 435.045, Florida Statutes, are repealed.

8
9 **Title Amendment**

10 Remove line 152 and insert:

11 ss.39.601, 39.622, 39.623, 39.624, 39.703, and 435.045, F.S.,

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: **Health & Families**
Council
Meeting Date: 4/18/06
Place: Reed Hall
Time: 10:15 A.M.

Bill Number: HB 7741
Date Received: _____
Date Reported: _____
Subject: licensing of health
Care providers

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	1		2		3		4	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>		Brandenburg	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>		Galvano	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>		Garcia	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
11	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Amendments to HB 7141 by Rep. Garcia

Amendment #1

The amendment provides criteria for creation of a nursing home by combining licensed beds from two or more licensed nursing homes within a district.

Amendment #2

The amendment clarifies the fine charged to a facility for failure to submit a licensure renewal application.

Amendment #3

HB 7141 provides that in the event of a disaster an inactive license may be issue to a facility. The amendment defines disaster to mean a sudden emergency occurrence beyond the control of the licensee including natural, technological, or manmade, which renders the provider inoperable at the premises.

Amendment #4

The amendment provides that certain health care providers are not a "clinic" licensed under part XIII of chapter 400, F.S.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 7141**

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Garcia offered the following:
3

4 **Amendment (with directory and title amendments)**

5 Between line(s) 114-115 and insert:
6

7 Section 5. Paragraphs (f)-(s) of subsection (3) of section
8 408.036, Florida Statutes, are redesignated as paragraphs (g)-
9 (t), respectively, and a paragraph (f) is added to that
10 subsection, to read:

11 408.036 Projects subject to review; exemptions.--

12 (3) EXEMPTIONS.--Upon request, the following projects are
13 subject to exemption from the provisions of subsection (1):

14 (f) For the creation of a single nursing home within a
15 district by combining licensed beds from two or more licensed
16 nursing homes within such district, regardless of subdistrict
17 boundaries, if 50 percent of the beds in the created nursing
18 home are transferred from the only nursing home in a county and
19 its utilization data demonstrate that it had an occupancy rate
20 of less than 75 percent for the 12-month period ending 90 days
21 before the request for the exemption. This paragraph shall be
000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

repealed upon the expiration of the moratorium established in s.
651.1185(1).

===== T I T L E A M E N D M E N T =====

Between line(s) 3-4 insert:

amending s. 408.036, F.S.; exempting a nursing home
that is created by combining certain licensed beds
from requirements for obtaining a certificate of need
from the Agency for Health Care Administration;
providing for future repeal;

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. **HB 7141**

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

Council/Committee hearing bill: Health & Families Council
Representative(s) Garcia offered the following:

Amendment (with directory and title amendments)

Remove line(s) 343-346 and insert:

operation. The failure to timely submit a renewal application
and license fee shall result in a \$50 per day late fee charged
to the licensee by the agency; however, the aggregate amount of
the late fee may not exceed 50 percent of the licensure fee or
\$500, whichever is less.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. **HB 7141**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Garcia offered the following:
3

4 **Amendment (with directory and title amendments)**

5 Remove line(s) 461 and insert:
6

7 is the result of a disaster at the licensed premises. For the
8 purposes of this section, the term "disaster" means a sudden
9 emergency occurrence beyond the control of the licensee, whether
10 natural, technological, or manmade, which renders the provider
11 inoperable at the premises. Upon agency

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. **HB 7141**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Garcia offered the following:
3

4 **Amendment (with directory and title amendments)**

5 Between line(s) 919-920 and insert:
6

7 Section 7. Paragraphs (e) and (i) of subsection (4) of
8 section 400.9905, Florida Statutes, are amended, and paragraph
9 (k) is added to that subsection, to read:

10 400.9905 Definitions.--

11 (4) "Clinic" means an entity at which health care services
12 are provided to individuals and which tenders charges for
13 reimbursement for such services, including a mobile clinic and a
14 portable equipment provider. For purposes of this part, the term
15 does not include and the licensure requirements of this part do
16 not apply to:

17 (e) An entity that is exempt from federal taxation under
18 26 U.S.C. s. 501(c)(3) or s. 501(c)(4), an employee stock
19 ownership plan under 26 U.S.C. s. 409 having a Board of Trustees
20 of not less than two-thirds of which are Florida licensed health
21 care practitioners and providing only physical therapy services

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

under physician orders, any community college or university clinic, and any entity owned or operated by the federal or state government, including agencies, subdivisions, or municipalities thereof.

(i) Entities that provide ~~only~~ oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 which are owned by a corporation whose shares are publicly traded on a recognized stock exchange.

(k) Entities that provide licensed practitioners to staff emergency departments or to deliver anesthesia services in facilities licensed under chapter 395 and that derive at least 90 percent of their gross annual revenues from the provision of such services. Entities claiming exemption from licensure under this paragraph must provide documentation demonstrating compliance.

===== T I T L E A M E N D M E N T =====

Remove line(s) 76 and insert:

after a certain date; amending s. 400.9905, F.S.;
excluding certain entities from the definition of
"clinic"; amending s. 408.831, F.S.; revising

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**House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET**

Council/Committee: Health & Families
Council

Bill Number: HB 7199 CS

Meeting Date: 4/18/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 10:15 A.m.

Subject: forensic treatment
and training

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bean								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brandenburg								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Galvano								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Garcia								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	H Gibson								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Harrell								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Homan								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Robaina								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sobel								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vana								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
11	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Amendment to HB 7199 CS by Rep. Galvano

The amendment brings the bill more in line with federal regulations and clarifies that medications prescribed as part of the normal treatment regimen of a person with mental illness are not drug "restraints."

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 7199 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Health and Families Council
2 Representative(s) Galvano offered the following:
3

4 **Amendment**

5 Remove lines 259-260 and insert:
6 of movement and not part of the standard treatment regimen of
7 the person with a diagnosed mental illness who is a client of